

Honorable Rosanna Malouf Peterson

Scott M. Ellerby  
Mills Meyers Swartling  
1000 Second Avenue, 30<sup>th</sup> Floor  
Seattle, WA 98104-1064  
Telephone: (206) 382-1000  
Facsimile: (206) 267-6738  
Email: sellerby@mms-seattle.com

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JENNIFER PARKER,

Plaintiff,

v.

NCO FINANCIAL SYSTEMS, INC.

Defendant.

NO. CV-10-5096

DEFENDANT NCO  
FINANCIAL SYSTEMS, INC.'S  
ANSWER TO PLAINTIFF'S  
COMPLAINT

Defendant, NCO Financial Systems, Inc. ("NCO"), appearing for itself and no others, hereby answers the Complaint ("Complaint") of Plaintiff Jennifer Parker ("Plaintiff"), as follows:

1.1 NCO lacks sufficient information to answer the allegations contained in ¶ 1.1, and on that basis denies the same.

DEFENDANT NCO FINANCIAL SYSTEMS,  
INC.'S ANSWER TO PLAINTIFF'S  
COMPLAINT - 1  
(CV-10-5096)

LAW OFFICES OF  
**MILLS MEYERS SWARTLING**  
1000 SECOND AVENUE, 30TH FLOOR  
SEATTLE, WASHINGTON 98104-1064  
TELEPHONE (206) 382-1000  
FACSIMILE (206) 386-7343

**JURISDICTION**

2.1 NCO admits the allegations in ¶ 2.1 of the Complaint for jurisdictional purposes only. Except as expressly admitted, NCO lacks sufficient information to answer the allegations contained in ¶ 2.1 and on that basis denies the same.

## BACKGROUND

2.2 NCO lacks sufficient information to answer the allegations contained in ¶ 2.2, and on that basis denies the same.

## 2.4 NCO denies the allegations contained in ¶ 2.4.

LAW OFFICES OF  
**MILLS MEYERS SWARTLING**  
1000 SECOND AVENUE, 30TH FLOOR  
SEATTLE, WASHINGTON 98104-1064  
TELEPHONE (206) 382-1000  
FACSIMILE (206) 386-7343

**CLAIMS**

3.1 NCO denies that any wrongful conduct or violation of the statutes occurred as alleged in ¶ 3.1.

3.2 NCO denies that any wrongful conduct or violation of the statutes occurred as alleged in ¶ 3.2.

3.3 NCO denies that any wrongful conduct or violation of the statutes occurred as alleged in ¶ 3.3.

3.4 NCO denies any wrongful conduct or violation of the statutes and further denies that Plaintiff has been damaged and is entitled to the relief requested in subparagraphs a) through d).

**PRAYER FOR RELIEF**

In response to the paragraph beginning, WHEREFORE, NCO denies that Plaintiff has been damaged and is entitled to the relief requested in subparagraphs 1. through 7.

AND NOW, in further answer to the Complaint, Defendant NCO avers as follows:

1 **AFFIRMATIVE DEFENSES**

2 **FIRST AFFIRMATIVE DEFENSE**

3 One or more of the counts/grounds in Plaintiff's Complaint fails to state a  
4 claim against NCO upon which relief can be granted.  
5

6 **SECOND AFFIRMATIVE DEFENSE**

7 NCO alleges that at all times described in the Complaint, Plaintiff  
8 consented to any and all conduct alleged therein.  
9

10 **THIRD AFFIRMATIVE DEFENSE**

11 Pursuant to 15 U.S.C. § 1629k(c), to the extent that a violation(s) is  
12 established, any such violation(s) was not intentional and resulted from a *bona*  
13 *fide* error notwithstanding the maintenance of procedures reasonably adapted to  
14 avoid any such error.  
15

16 **FOURTH AFFIRMATIVE DEFENSE**

17 Any harm suffered by Plaintiff was legally and proximately caused by  
18 persons, individuals, corporations, or entities beyond the control or supervision  
19 of NCO, or for whom NCO is not responsible or liable.  
20  
21  
22  
23

**FIFTH AFFIRMATIVE DEFENSE**

Assuming that Plaintiff suffered any damages, Plaintiff has failed to mitigate her damages or take other reasonable steps to avoid or reduce her damages.

**SIXTH AFFIRMATIVE DEFENSE**

One or more of Plaintiff's claims are barred by the applicable statute of limitations.

**SEVENTH AFFIRMATIVE DEFENSE**

NCO denies any liability, however, regardless of liability, Plaintiff has suffered no damages.

**EIGHTH AFFIRMATIVE DEFENSE**

NCO reserves the right to assert additional affirmative defenses at such time and to such extent as warranted by discovery and factual developments in the case.

WHEREFORE, Defendant NCO prays that this action be dismissed with prejudice and at Plaintiff's costs, and further that NCO be awarded its costs and attorneys fees and any other appropriate relief.

//

//

DEFENDANT NCO FINANCIAL SYSTEMS,  
INC.'S ANSWER TO PLAINTIFF'S  
COMPLAINT - 5  
(CV-10-5096)

LAW OFFICES OF  
**MILLS MEYERS SWARTLING**  
1000 SECOND AVENUE, 30TH FLOOR  
SEATTLE, WASHINGTON 98104-1064  
TELEPHONE (206) 382-1000  
FACSIMILE (206) 386-7343

1 Respectfully submitted this 9th day of September, 2010.

2  
3 MILLS MEYERS SWARTLING  
4 Attorneys for Defendant  
5 NCO Financial Systems, Inc.

6 By: s/Scott M. Ellerby  
7 Scott M. Ellerby  
8 WSBA No.: 16277  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

24 DEFENDANT NCO FINANCIAL SYSTEMS,  
25 INC.'S ANSWER TO PLAINTIFF'S  
26 COMPLAINT - 6  
(CV-10-5096)

LAW OFFICES OF  
**MILLS MEYERS SWARTLING**  
1000 SECOND AVENUE, 30TH FLOOR  
SEATTLE, WASHINGTON 98104-1064  
TELEPHONE (206) 382-1000  
FACSIMILE (206) 386-7343

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2010, I electronically filed the foregoing Defendant NCO Financial Systems, Inc.'s Answer to Plaintiff's Complaint with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Robert J. Reynolds      [reynoldsrobertj1@qwestoffice.net](mailto:reynoldsrobertj1@qwestoffice.net),  
[rjr1066@robertreynoldslaw.com](mailto:rjr1066@robertreynoldslaw.com)

MILLS MEYERS SWARTLING  
Attorneys for Defendant  
NCO Financial Systems, Inc.

By: s/Scott M. Ellerby  
Scott M. Ellerby, WSBA No. 16277

DEFENDANT NCO FINANCIAL SYSTEMS,  
INC.'S ANSWER TO PLAINTIFF'S  
COMPLAINT - 7  
(CV-10-5096)

LAW OFFICES OF  
**MILLS MEYERS SWARTLING**  
1000 SECOND AVENUE, 30TH FLOOR  
SEATTLE, WASHINGTON 98104-1064  
TELEPHONE (206) 382-1000  
FACSIMILE (206) 386-7343